

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALVIN FRANKLIN, JR.,

Defendant-Appellant.

UNPUBLISHED

April 24, 2014

No. 314425

Ingham County Circuit Court

LC No. 12-000430-FH

Before: BORRELLO, P.J., and WHITBECK and K. F. KELLY, JJ.

K. F. KELLY, J. (*concurring*).

I concur in the result reached by the majority. However, I write separately because I do not agree with the majority's conclusion that the trial court abused its discretion when it limited defense counsel's questioning of Brewer as to why he was terminated from the Lansing Police Department. It is clear from the record that defense counsel did not know why Brewer was terminated. In questioning Brewer, defense counsel was engaged in a fishing expedition; he could only speculate or guess at the reasons for Brewer's termination. I believe that the majority, in concluding that the reasons for Brewer's termination "*may* have been evidence that Brewer was not a credible witness," is likewise engaged in speculation. I would conclude that the trial court acted within its right to impose reasonable limits on the conduct of trial where it was obvious that defense counsel had no idea why Brewer was terminated, casting further doubt on the relevance of his response to additional questioning. *Delaware v Van Arsdall*, 475 US 673, 679; 106 S Ct 1431; 89 L Ed 2d 674 (1986) ("[T]rial judges retain wide latitude insofar as the Confrontation Clause is concerned to impose reasonable limits on such cross-examination based on concerns about, among other things, harassment, prejudice, confusion of the issues, the witness' safety, or interrogation that is repetitive or only marginally relevant.")

/s/ Kirsten Frank Kelly